

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ERROL W. LONGEE,

Defendant.

CR 04-121-GF-BMM

CR 04-160-GF-BMM

ORDER

United States Magistrate Judge John Johnston conducted a joint revocation hearing in Causes CR 04-121-GF-BMM and CR 04-160-GF-BMM on January 9, 2018. Defendant admitted that he had violated the conditions of his supervised release by failing to report for substance abuse treatment, by failing to report for substance abuse testing, by consuming alcohol, and by failing to successfully complete a sex offender treatment program. Judge Johnston found the admissions sufficient to establish the supervised release violations. Judge Johnston entered his findings and recommendations on January 10, 2018.

Judge Johnston recommended that this Court revoke Defendant's supervised release in both cases and sentence the Defendant in each case to 24 months in

custody, with no supervised release to follow. Judge Johnston further recommend that the Defendant be allowed to serve his term of custody at the Federal Correctional Institution in Englewood, Colorado.

No objections were filed by either party. Judge Johnston's findings and recommendations are therefore reviewed for clear error. *McDonnell Douglas Corp. Commodore Bus. Mach, Inc.*, 656 F.2d 1309, 1319 (9th Cir. 1981).

This Court agrees with Judge Johnston's findings and recommendations. Defendant admitted that he had violated the conditions of his supervised release. Defendant could be incarcerated for up to 24 months each case. Defendant could be ordered to remain on supervised release for 24 months less any custody time imposed, in each case. The United States Sentencing Guidelines call for a term of imprisonment of three to nine months. A sentence of 24 months in custody, followed by no supervised release is appropriate. The sentence is sufficient but not greater than necessary.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 84 in Cause CR 04-121-GF-BMM, Doc. 65 in Cause CR 04-160-GF-BMM)

are ADOPTED in full and Judgment shall be entered accordingly.

DATED this 25th day of January
, 2018.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive style with a horizontal line extending from the end of the name.

Brian Morris
United States District Court Judge